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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,388	12/19/2000	Gene F. Young	219.39039X00	3311

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EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 03/11/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/739,388

**Applicant(s)**

YOUNG, GENE F.

**Examiner**

Kevin C. Harper

**Art Unit**

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____  |

***Drawings***

1. Replacement drawings were received on October 21, 2002. These drawings are disapproved in part (see drawing objections below).
2. The drawings are objected to because the following require descriptive wording: Figure 4, items 50, 60-66 and one of items 52-58; Figure 5, items 100-104, 122, 124, 170, 182-184, and one of items 112-118; Figure 6, items 102-104 and one of items 112-118; Figure 7, item 122; and, Figure 8, item 102. Corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on page 7, line 13. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

***Claim Objections***

4. Claim 5 is objected to because "Fibrechannel" should be --Fibre Channel--.
5. Claim 7 is objected to because "fist and second" in lines 3-4 (both occurrences) should be -- second and third-- (note: in Figure 6, the serverlets are coupled to the second and third switching devices by a bus; page 12, lines 12-14).
6. Claim 8 and 17 are objected to because the second and third switching devices (Figure 5, items 102-104) each have only one conversion device (page 9, last line through page 10, line 2) and because there is no connection between the second and third switching devices.

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7. Claim 11 is objected to because the second occurrence of "said" in line 4 should be removed. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 9-13 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. (US 6,148, 349) in view of Matsunami et al. (US 6,542,961).

8. Regarding claim 1, 6, 9-11 and 18-20, Chow discloses a system module (Figure 2, item 226) to couple a switch fabric network (item 106) to shared I/O resources (items 224). The module comprises a first serverlet (Figures 1 and 3, item 212) and a second serverlet (Figures 1 and 3, item 214). However, Chow does not disclose a switch and bus for coupling the serverlets to the I/O resources. Matsunami discloses processors (Figure 1, item 30) coupled to I/O resources (item 10; Figure 2) by a switch (item 20; Figure 3) and a data bus (items 31). The switch has a controller device (item 70), an inherent second switching device to couple the first interface device to the second interface device (Figure 1, item 20; note: port connections from each host to the switch), and has a third interface device (Figure 1, item 204) to couple between the second switching device and another data bus (item 21). The data bus (item 21) is coupled to the I/O resources and the controller couples the inherent second switching device to the data bus. Therefore, it would have been obvious to one skilled in the art at the time the invention was

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made to have a switch and bus couple serverlets to I/O resources in the invention of Chow in order to enhance scalability or improve reliability (Matsunami, col. 12, lines 4-14 and 40).

9. Regarding claim 2, 12 and 21, in Chow the I/O resources comprise a first disk system (Figure 2, item 218) and a second disk system (item 222).

10. Regarding claims 3-4 and 13, in Chow the serverlets each comprise inherent memory devices and a processing unit (Figure 3, item 304), a first power conversion unit (item 306), and an inherent interface to couple the processing unit and the inherent memory devices.

Claims 5, 7-8, 14-17 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. in view of Matsunami et al. as applied to claims 1, 11 or 20 above, and further in view of Amdahl et al. (US 6,253,334).

11. Regarding claims 5, 7-8, 14-17 and 22-24, Chow in view of Matsunami discloses a data bus to couple the serverlets to the switch fabric (Chow, Figure 2, item 228). However, Chow in view of Matsunami does not disclose using Ethernet as a switch fabric and providing second and third switching devices coupled to the switch fabric. Amdahl discloses an Ethernet switch fabric (Figure 1, item 12; col. 5, lines 18-23) and second and third switching devices (Figure 3, items 124 and 126) coupled to the switch fabric. Each switching device has an inherent conversion unit. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have an Ethernet switch fabric in the invention of Chow in view of Matsunami and to have second and third switching devices coupled to the switch fabric in the invention of Chow in view of Matsunami in order to provide a local network for interconnecting computing devices and in order to provide a redundant connection to the switch fabric in the event a primary switch or interface fails, respectively.

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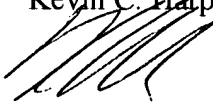
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 9:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The centralized fax number for the Patent Office is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



March 3, 2004

Seema S. Rao  
SEEMA S. RAO 315104  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600